IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND SIX

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 26812 of 2001

Between:

Sri.S.Srinivas Rao, S/o. S.Uma Maheshwar Rao,
R/o. Qrt.No.T-7, I Zone,
Kalyan Khani, Adilabad District.

..... PETITIONER

AND

Government of Andhra Pradesh,

Rep. by its Secretary, Education
Secretariat, Hyderabad and another

.....RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus directing the 1st respondent to take action against the 2nd respondent society for its direction to file property returns in the proforma prescribed under Rule 9 of A.P.Civil Service (Conduct) Rules 1964.

None appears for the petitioner. Heard the learned counsel appearing for the 2nd respondent. Perused the entire material available on record.

The petitioner is a Secondary Grade Teacher, working in one of the schools being run by the Singareni Collieries Educational Society. It is a case of the petitioner that the 2nd respondent society has issued instructions for getting the property returns from its employees and there is no such authority empowering the 2nd respondent society to ask such particulars, in spite of the same, the 1st respondent is not taking any action.

In the counter affidavit filed on behalf of the 2nd respondent, it is stated that the very writ petition is not maintainable, inasmuch as the petitioner is seeking relief against the 2nd respondent society, which is registered under Societies Registration Act. It is stated that all the schools run by the 2nd respondent society are private schools, in which petitioner is working as a Teacher. Further on merits it is also stated that as per the terms and conditions of appointment, the employees are required to seek permission before acquisition or disposal of any immovable property.

Virtually, the petitioner, by seeking relief against the

2nd respondent society, appears to have been impleaded the

1st respondent only for the purpose of maintaining the writ petition. In any event, having regard to the service conditions, instructions were issued directing to furnish property particulars, and therefore, it cannot be said to be illegal or arbitrary. In that view of the matter, I do not find any merit in the writ petition and the writ petition is devoid of merit and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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R.SUBHASH REDDY,J

Dated: 24.01.2006

Dsr